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D.F. AUG 16 2011 ★
C/M BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ABDUL RAHIM HOWARD,

Petitioner,
-against-

MEMORANDUM AND ORDER
Case No. 10-CV-2775 (FB)

UNITED STATES OF AMERICA,

Respondent.

Appearances:

For the Petitioner:

MITCHELL ALAN GOLUB
Golub & Golub LLP
225 Broadway, Suite 1515
New York, NY 10007

For the Respondent:

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
BY: JONATHAN E. GREEN
Assistant United States Attorney
271 Cadman Plaza East
Brooklyn, New York 11201

BLOCK, Senior District Judge:

On May 2, 2011, after holding an evidentiary hearing, the Court denied Abdul Rahim Howard's ("Howard") petition to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 ("§ 2255"). Howard now moves the Court to reconsider three aspects of that order. First, he argues that the Court should not have credited his former lawyer's testimony that he explained to Howard about the possible effects of a 5K1 letter from the government. Second, Howard argues that the Court should not have credited his former lawyer's testimony that he explained to Howard the consequence of the government filing a § 851 prior felony information. And third, he argues that the Court should not have denied a certificate of appealability.

After reexamining all Howard's submissions and the hearing transcript, the Court denies Howard's motion for reconsideration for the same reasons it originally denied his § 2255 petition.

SO ORDERED.

/Signed by Judge Block/


FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
August 16, 2011